

LICENSE NO. F-1993

IN THE MATTER OF
THE LICENSE OF
DAVID R. SHAFER, M.D.

BEFORE THE DISCIPLINARY
PANEL OF THE
TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION
(WITHOUT NOTICE OF HEARING)

On September 10, 2019, came to be heard before the Disciplinary Panel (Panel) of the Texas Medical Board (Board), composed of George De Loach, D.O., Michael Cokinos, and LuAnn Morgan, members of the Board duly in session, the matter of the Application for Temporary Suspension (Without Notice of Hearing) of the license of David R. Shafer, M.D. (Respondent). Susan Rodriguez represented Board staff.

Based on evidence submitted, the Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension (Without Notice of Hearing):

FINDINGS OF FACT

1. Respondent is a board certified internal medicine practitioner. His most recent practice address was at the University of Texas Health Center in Tyler, Texas.
2. In June 2019 the Board received information that Respondent may have been prescribing controlled substances inappropriately to his wife.
3. Pharmacy records demonstrate that on more than 70 occasions between June 2016 and June 2019, Respondent wrote prescriptions in his wife's name for Hydrocodone/APAP 10/325, a Schedule II controlled substance, in amounts of at least #120. Respondent acknowledged that he diverted the medications, totaling more than 9,000 pills, for his own personal use.
4. In addition, Respondent's practice partners were was also prescribing him hydrocodone during the same time period. Available records show Respondent received 90 pills of Hydrocodone/APAP 10/325 on a monthly basis from his practice partners for at least three years. One of his practice partners, Dr. James Stocks, has admitted prescribing Hydrocodone to

Respondent on a monthly basis since 2014. Dr. Stocks has been arrested in relation to his prescribing to Respondent and has surrendered his DEA controlled substance certificates.

5. In a response to the Board, Respondent acknowledged that he had been using opioids since 1994 and became dependent on them sometime after 2000.

6. Respondent self-reported to the Texas Physician Health Program in July 2019. Respondent is currently enrolled in an inpatient rehabilitation program in Louisiana. Evaluations from that facility indicate that Respondent is not currently fit to practice medicine. Respondent is expected to remain in inpatient treatment until sometime in October 2019.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Panel concludes the following:

1. Section 164.059 of the Act authorizes the Disciplinary Panel to temporarily suspend or restrict the medical license of Respondent if the Disciplinary Panel determines from evidence presented to it that the Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

2. Based on the evidence presented and the Findings of Fact set forth herein, the Disciplinary Panel finds that Respondent violated the following provisions of the Act and Board rules:

- a. Section 164.051(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's inability to practice medicine with reasonable skill and safety to patients because of (C) excessive use of drugs, narcotics, chemicals, or another substance; or (D) as a result of any mental or physical condition.
- b. Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent using alcohol or drugs in an intemperate manner that could endanger a patient's life.
- c. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public, and further defined by

Board Rule 190.8(2)(R), commission of the following violation of federal and state laws whether or not there is a complaint, indictment, or conviction, specifically (xii) substance abuse or substance diversion.

- d. Section 164.053(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent writing false or fictitious prescriptions for dangerous drugs as defined by Chapter 483, Health and Safety Code, controlled substances scheduled in Chapter 481, Health and Safety Code or controlled substances scheduled in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.).
- e. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.
- f. Section 164.053(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent prescribing, administering, or dispensing in a manner inconsistent with public health and welfare, dangerous drugs as defined by Chapter 483, Health and Safety Code; or controlled substances scheduled in Chapter 481 Health and Safety Code; or controlled substances scheduled in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. § 801 et seq.).

3. Based on the evidence presented and the above Findings of Fact and Conclusions of Law, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that:

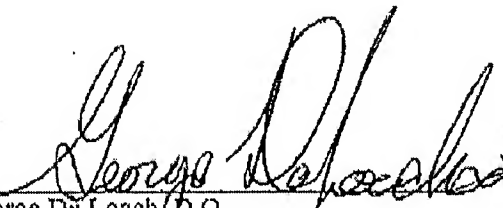
- 1. Respondent's Texas Medical License No. F-1993 is hereby TEMPORARILY SUSPENDED.
- 2. This Order of Temporary Suspension (Without Notice of Hearing) is effective on the date rendered.

3. Notice of this Order of Temporary Suspension (Without Notice of Hearing) shall be given immediately to Respondent.

4. A hearing on the Application for Temporary Suspension (With Notice of Hearing) will hereby be scheduled before a Disciplinary Panel of the Board at a date to be determined as soon as practicable, at the offices of the Board, unless such hearing is specifically waived by Respondent.

5. This Order of Temporary Suspension (Without Notice of Hearing) shall remain in effect until such time as a hearing on the Application for Temporary Suspension (With Notice of Hearing) is conducted and a Disciplinary Panel enters an order, or until superseded by a subsequent order of the Board.

Signed and entered this September 10, 2019.


George DeLoach, D.O.
Chair, Disciplinary Panel
Texas Medical Board